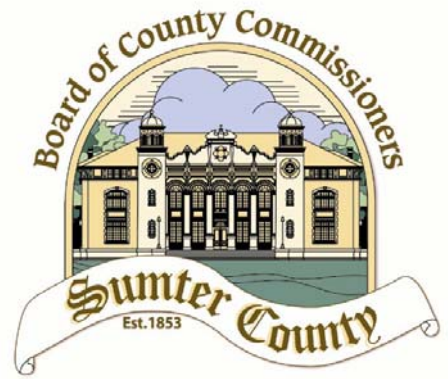


Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

November 14, 2005

The regular meeting of the Code Enforcement Board of Sumter County, Florida was called to order on Monday, November 14, 2005, at 6:00 P.M. followed by the Pledge of Allegiance.

The following board members were present: Acting Chairperson-Charles Castle, Drexel Clark, Dixie Ruzzo, Tommy Messer, Cheryl Barnes, and Terry Pasko.
Horton Barnes was absent (excused) due to being out of town.

Present from the Code Compliance staff were Paul Jochum-Code Compliance Manager, Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, and Alysia Akins-Code Enforcement Board Secretary.

Terry Neal, Attorney for the Sumter County Code Compliance Inspectors, was present.
Randall Thornton, Attorney for the Code Enforcement Board, was absent.

Mr. Messer made a motion to approve the minutes from the October 10, 2005, meeting.
Mrs. Ruzzo seconded the motion and the motion carried.

Mr. Jochum, Mr. Folden, and Ms. Love were sworn in.

Old Business:

None

New Business:

The following cases were issued an affidavit of pre-hearing compliance:

CE2005-0050/Simmons

CE2005-0052/Hood

CE2005-0285/Jones

CE2005-0466/Benavides

File: CE2004-0253/Davis

911 Address: 1355 CR 222/Wildwood

Parcel: C26=135/OR – 426, PG – 600

SCCV: 13-51(A)(2)(A), 13-365(b)(2)(f), 13-713(i), 13-726(a), and 13-362A 3.144

The Respondent, Vanessa Davis, and Respondent's friend, James McClain, were present. Mr. Jochum testified the Notice for Hearing had been sent by certified mail and had been received by the Respondent on 10/17/05. Mr. Jochum testified 11/14/05 had been his last visit to the property in which the property was in non-compliance. Mr. Jochum submitted photographs into the record that had been taken on 5/6/04,

6/21/04, 6/20/05, and 11/14/05 reflecting the violations. Mr. Jochum testified he had been in contact with Mr. McClain and Ms. Davis. Mr. Jochum submitted signed and sealed building plans from the building department for the shed only, with no electric or plumbing, into the record. Mr. Jochum testified an electric permit was obtained at a later date, but a plumbing permit had never been issued. Mr. Jochum testified the air conditioning unit has been disconnected, but the ductwork remains. Mr. Jochum testified the ice machine, commercial video game, and commercial juke box were still in the shed, along with a men's and ladies' bathroom.

Detective Pat Breeden was present and sworn in. Detective Breeden gave testimony regarding the arrests that were made at this location for the sale of alcohol without a license. Detective Breeden testified regarding complaints that had been filed against this location and the surveillance that had been done. Detective Breeden testified undercover agents had paid a \$10 admittance fee and were sold alcohol. Detective Breeden testified all alcohol was seized and submitted photographs of the seized alcohol into the record. Detective Breeden testified there were approximately 200 people present on the property the night the arrests were made. The "shed" was full of people with a live DJ performing. Detective Breeden testified Ms. Davis had been collecting the admittance fees and Mr. McClain had been selling the alcohol. Detective Breeden testified this was a pending criminal case.

Ms. Davis testified she was having a birthday party the night the arrests were made. Ms. Davis testified the admittance fees were to reimburse for the cost of alcohol. Ms. Davis testified the surrounding properties were owned by family members. Ms. Davis was informed the proper plumbing permits were required for a bathroom, and the AC unit needed to be removed, along with the commercial ice machine and commercial juke box.

Mrs. Barnes made a motion to order the Respondent to cease and desist any and all commercial operations in the "shed", and on the property, effective immediately. Failure to comply with this Order shall result in a fine of \$250 per person for each and every patron found anywhere on the property while any commercial activities are occurring. The Respondent was given 5 days to apply for a plumbing permit, 25 days to obtain a plumbing permit, and was ordered to remove the AC unit, commercial juke box, and commercial ice machine, or pay a fine in the amount of \$50 per day for each and every day of non-compliance. The Respondent was also ordered to pay the accrued staff costs in the amount of \$555.11. Mr. Clark seconded the motion and the motion carried.

File: CE2005-0372/Norman

911 Address: 1350 CR 436/Lake Panasoffkee

Parcel: F32Q070/OR – 729, PG – 518

SCCV: 6-104(3) and 6-104(5)

The Respondents were not present. Ms. Love testified the Notice for Hearing had been sent by certified mail and the property was posted on 10/26/05. Ms. Love testified 11/14/05 had been the last visit to the property and found the property was in non-compliance. Ms. Love submitted photographs into the record that had been taken on 8/1/05, 8/30/05, 9/23/05, 10/25/05, and 11/14/05 reflecting the violations. Ms. Love testified she had been in contact with Mr. Norman, who had informed her he had been in the hospital, but would clean up the property. Ms. Love testified some progress had been made, but the property was still in violation. Ms. Love testified Mr. Norman had occupational licenses for a refuse service, land clearing service, and demolition service. Ms. Love testified the neighbors had mowed the yard. Ms. Love testified she had requested a copy of the fire report or insurance information regarding the fire damage to the mobile home, but Mr. Norman had not provided either. Mr. Folden testified he had spoken with Mr. Norman who had informed him he had been in the hospital, along with his wife, but he would continue cleaning up the property.

Mrs. Barnes made a motion to allow the Respondents 30 days to bring the property into compliance, or a fine of \$100 per day would be assessed for each and every day of non-compliance. The Respondent was also ordered to pay all accrued staff costs in the amount of \$329.74, which is due and payable within 10 days of receipt of notice. Mr. Messer seconded the motion and the motion carried.

File: CE2005-0486/Nichols

911 Address: 8473 CR 121/Wildwood

Parcel: D33=007, OR – 1357 PG - 232

SCCV: 13-51(A)(3)(A) and 6-104(5)

The Respondent's brother and sister-in-law, Paul and Pauline Morgan, were present and sworn in. Ms. Love testified the Notice for Hearing had been sent by certified mail and the property was posted on 11/1/05. Ms. Love testified 11/14/05 had been the last visit to the property and found the property to be in non-compliance. Ms. Love submitted photographs into the record that had been taken on 9/6/05, 10/20/05, and 11/14/05 reflecting the violations. Ms. Love testified the RV had electrical cords connected to it and there was heavy equipment on the property. Ms. Love testified Ms. Nichols had acknowledged the RV had been rented out by the renter of the mobile home. Mr. Morgan testified the grass had been mowed and the renters were being evicted. Mr. Morgan testified the RV has no water or sewer connections and has been vacant for 3 weeks. Mr. Morgan submitted photographs of the property into the record taken on 11/12/05 by Mrs. Morgan. Mr. Morgan testified the tenant has been arrested and an eviction notice has been served.

Mrs. Barnes made a motion to allow the Respondent until 12/6/05 to bring the property into compliance, or a fine of \$25 per day would be assessed for each and every day of non-compliance. The Respondent was also ordered to pay all accrued staff costs in the amount of \$279.95, which is due and payable by 12/1/05. Mr. Pasko seconded the motion and the motion carried.

Mr. Jochum and Ms. Love will meet with Mr. and Mrs. Morgan regarding the grass violation.

File: CE2005-0533/Pegg

911 Address: 11392 CR 675W/Webster

Parcel: R12C501, OR – 909, PG - 253

SCCV: 6-104(2), 13E312 SHC 307.4, 13E312 SHC 305.14, and 21-1(A)

The Respondent was present and sworn in. Ms. Love testified the Notice for Hearing had been sent by certified mail and was received on 10/14/05. Ms. Love testified 11/14/05 had been the last visit to the property and found the property to be in non-compliance. Ms. Love submitted photographs into the record that had been taken on 9/21/05, 10/1/05, and 11/14/05 reflecting the violations. Ms. Love testified there appeared to be construction debris remaining on the property. Ms. Love also testified the mobile home had been cleaned and painted, and the trash had been removed, but a tarp was spread across the yard and appeared to have items underneath. Ms. Love testified this was a continuing violation. Ms. Pegg testified there was a boat on a trailer, 2 sheds, a bed liner on top of a car, and nothing under the tarp, which would be removed. Ms. Pegg submitted photographs of the property into the record showing compliance.

Mr. Messer made a motion to allow the Respondent 15 days to bring the property into compliance, or a fine of \$25 per day would be assessed for each and every day of non-compliance. The Respondent was ordered to pay all accrued staff costs in the amount of \$234.58, which is due and payable within 15 days also. Mrs. Ruzzo seconded the motion and the motion carried.

File: CE2005-0540/Russell

911 Address: 8032 C-476B/Bushnell

Parcel: M28A001, OR – 1201, PG - 217

SCCV: 13-364(b)(2)(f), 13-713(i)(1)(a-f), and 13-332(a)(3)(a)

The Respondent and Respondent's friend, Virgil Cantrell, were present and sworn in. Mr. Folden testified the Notice for Hearing had been sent by certified mail and the property was posted on 10/31/05. Mr. Folden testified 11/14/05 had been the last visit to the property and found the property to be in non-compliance. Mr. Folden submitted photographs into the record that had been taken on 9/21/05, 10/31/05, and 11/14/05 reflecting the violations, along with photographs taken from a previous case at this property. Mr. Folden testified there had been approximately 10-15 vehicles present on the property with no visible tags on most of them, along with engines and auto parts, and stated this was a continuing violation. Ms. Russell testified she had her personal vehicle for sale and there was no commercial business being conducted. Ms. Russell testified the vehicles on her property belonged to family and friends or she owned them. Mr. Cantrell did testify to bringing vehicles home from work and working on them. The Respondent was advised that residential property can not be used for commercial purposes.

Mrs. Barnes made a motion to allow the Respondent 10 days to bring the property into compliance, or a fine of \$100 per day would be assessed for each and every day of non-compliance. The Respondent was ordered to pay all accrued staff costs in the amount of \$229.79, which is due and payable within 10 days of receipt of notice. Mr. Messer seconded the motion and the motion carried.

File: CE2005-0605/Ely

911 Address: 7436 CR 627/Bushnell

Parcel: M23A702, OR – 939, PG - 284

SCCV: 13-51(A)(2)(A), 13-51(A)(3)(A), and 13-51(A)(3)(B)

The Respondent was present and sworn in. Mr. Jochum testified the Notice for Hearing had been sent by certified mail and the property was posted on 11/4/05. Mr. Jochum testified 11/14/05 had been the last visit to the property and found the property to be in non-compliance. Mr. Jochum submitted photographs into the record that had been taken on 11/1/05 and 11/14/05 reflecting the violations. Mr. Jochum testified he had spoken with Mr. Ely's stepdaughter who had informed him she resided on the property. Mr. Jochum testified he had observed work lights, water hoses, a generator, work vehicles, an RV, heavy equipment, and a shed on the property. Mr. Jochum testified all of the required permits had been obtained, but there had been no electrical, mechanical, or final inspections, or a Certificate of Occupancy filed. Mr. Ely testified he resided in Duval Park. Mr. Ely testified his fiancé, Melinda McBane, and children were residing on the property and he was not allowed on the property since Ms. McBane had a protective order against him. Mr. Ely testified there was a well and temporary electric pole providing electric to the property. Staff recommended the Respondent have the premises vacated and the power terminated. Mr. Jochum advised all permits needed to be updated and the Certificate of Occupancy needed to be obtained.

Mrs. Barnes made a motion to have the temporary electric pole removed and the power terminated within 24 hours, and file suit for injunction to evict the tenants. The Respondent was given until 12/15/05 to bring the property into compliance, or a fine of \$25 per day would be assessed for each and every day of non-compliance. The Respondent was also ordered to pay all accrued staff costs in the amount of \$274.79, which is due and payable by 12/15/05. Mr. Messer seconded the motion and the motion carried.

Public Forum:

Annual Christmas Dinner – The Board requested a traditional dinner from the Speckled Butterbean.

There being no further business, Mr. Clark made a motion to adjourn. Mr. Messer seconded the motion and the motion carried.

The meeting adjourned at 8:20 PM.

Chairperson

Recording Secretary